

House Study Bill 115

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
EDUCATION BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act creating a preschool for four-year-old children program,
2 and making appropriations and providing an effective date.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1231XD 82
5 jp/je/5

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1 1 DIVISION I
1 2 PRESCHOOL FOR FOUR-YEAR-OLD CHILDREN PROGRAM
1 3 Section 1. NEW SECTION. 256C.1 DEFINITIONS.
1 4 As used in this chapter:
1 5 1. "Approved local program" means a school district's
1 6 program for four-year-old children approved by the department
1 7 of education to provide high quality preschool instruction.
1 8 2. "Department" means the department of education.
1 9 3. "Director" means the director of the department of
1 10 education.
1 11 4. "Preschool program" means the statewide preschool for
1 12 four-year-old children program created in accordance with this
1 13 chapter.
1 14 5. "School district approved to participate in the
1 15 preschool program" means a school district that meets the
1 16 school district requirements under section 256C.3 and has been
1 17 approved by the department to participate in the preschool
1 18 program.
1 19 6. "State board" means the state board of education.
1 20 7. "Student" means a child who meets the eligibility
1 21 requirements under section 256C.3 and is enrolled in the
1 22 preschool program.
1 23 Sec. 2. NEW SECTION. 256C.2 STATEWIDE PRESCHOOL FOR
1 24 FOUR-YEAR-OLD CHILDREN PROGRAM == PURPOSE.
1 25 1. A statewide preschool for four-year-old children
1 26 program is established. The purpose of the preschool program
1 27 is to provide an opportunity for all young children in the
1 28 state to enter school ready to learn by expanding voluntary
1 29 access to quality preschool curricula for all children who are
1 30 four years old.
1 31 2. The state board shall adopt rules in accordance with
1 32 chapter 17A as necessary to implement the preschool program as
1 33 provided in this chapter.
1 34 Sec. 3. NEW SECTION. 256C.3 PRESCHOOL PROGRAM
1 35 REQUIREMENTS.
2 1 1. ELIGIBLE CHILDREN.
2 2 a. A child who is a resident of Iowa and is four years of
2 3 age by September 15 of a school year shall be eligible to
2 4 enroll in the preschool program under this chapter. If space
2 5 and funding are available, a school district approved to
2 6 participate in the preschool program may enroll a younger
2 7 child in the preschool program; however, the child shall not
2 8 be counted for state funding purposes.
2 9 b. An eligible child who is attending a child care center
2 10 licensed under chapter 237A or a public or private preschool
2 11 or prekindergarten program located within the boundaries of
2 12 the school district is also eligible to receive instruction
2 13 through the preschool program.
2 14 c. An eligible child who is receiving care from a child
2 15 care home that is not registered under chapter 237A, a child
2 16 development home that is registered under chapter 237A, or
2 17 another care provider that is not subject to regulation under
2 18 chapter 237A, is also eligible to receive instruction through
2 19 the preschool program from an approved provider.

2 20 2. TEACHER REQUIREMENTS.

2 21 a. An individual serving as a teacher in the preschool
2 22 program must be appropriately licensed under chapter 272, meet
2 23 requirements under chapter 284, and be employed by the school
2 24 district implementing the program. The requirements of this
2 25 lettered paragraph apply only for the period of time during
2 26 which the individual is employed by or contracting with the
2 27 school district.

2 28 b. A teacher in the preschool program shall collaborate
2 29 with other agencies, organizations, and boards in the
2 30 community to further the program's capacity to meet the
2 31 diverse needs of students and student families, such as early
2 32 care, health, and human services. In addition, a teacher in
2 33 the preschool program shall work to maintain relationships
2 34 with each student's family in order to enhance the student's
2 35 development in all settings by collaborating with providers of
3 1 parent education and family support opportunities.

3 2 3. PROGRAM REQUIREMENTS. The state board shall adopt
3 3 rules to further define the following preschool program
3 4 requirements which shall be used to determine whether or not a
3 5 local program implemented by a school district approved to
3 6 implement the preschool program qualifies as an approved local
3 7 program:

3 8 a. Maximum and minimum teacher-to-child ratios and class
3 9 sizes.

3 10 b. Applicable state and federal program standards.

3 11 c. Student learning standards.

3 12 d. Provisions for the integration of children from other
3 13 state and federally funded preschools.

3 14 e. Collaboration with participating families, early care
3 15 providers, and community partners including but not limited to
3 16 community empowerment area boards, head start programs, shared
3 17 visions and other programs provided under the auspices of the
3 18 child development coordinating council, licensed child care
3 19 centers, area education agencies, child care resource and
3 20 referral services provided under section 237A.26, early
3 21 childhood special education programs, services funded by Title
3 22 I of the federal Elementary and Secondary Education Act of
3 23 1965, and family support programs.

3 24 f. A minimum of ten hours per week of instruction
3 25 delivered on the skills and knowledge included in the student
3 26 learning standards developed for the preschool program.

3 27 g. Parental involvement in the local program.

3 28 4. SCHOOL DISTRICT REQUIREMENTS. The state board shall
3 29 adopt rules to further define the following requirements of
3 30 school districts implementing the preschool program:

3 31 a. Methods of demonstrating community readiness to
3 32 implement high-quality instruction in a local program shall be
3 33 identified. The potential provider shall submit a
3 34 collaborative program proposal that demonstrates the
3 35 involvement of multiple community stakeholders including but
4 1 not limited to, and only as applicable, parents, the school
4 2 district, accredited nonpublic schools and faith-based
4 3 representatives, the area education agency, the community
4 4 empowerment area board, representatives of business, head
4 5 start programs, center-based and home-based providers of child
4 6 care services, human services, public health, and economic
4 7 development programs. The methods may include but are not
4 8 limited to a school district providing evidence of a public
4 9 hearing on the proposed programming and written documentation
4 10 of collaboration agreements between the school district,
4 11 existing community providers, and other community stakeholders
4 12 addressing operational procedures and other critical measures.

4 13 b. Subject to implementation of agreements between a
4 14 school district and community-based providers of services to
4 15 four-year-old children residing in the school district, a
4 16 four-year-old child residing in a school district who is
4 17 enrolled in a child care center licensed under chapter 237A or
4 18 in an existing public or private preschool program shall be
4 19 eligible for services provided by the school district's local
4 20 preschool program.

4 21 c. A school district shall participate in data collection
4 22 or performance measurement processes and reporting as defined
4 23 by rule.

4 24 d. Career development for school district preschool
4 25 teachers shall be addressed in the school district's career
4 26 development plan implemented in accordance with section 284.6.

4 27 5. DEPARTMENT REQUIREMENTS.

4 28 a. The department shall implement an application and
4 29 selection process for school district participation in the
4 30 preschool program that includes but is not limited to the

4 31 enrollment requirements provided under section 256C.4.

4 32 b. The department shall track the progress of students
4 33 served by a school district preschool program and the
4 34 students' performance in elementary and secondary education.

4 35 c. The department shall implement procedures to monitor
5 1 the quality of the programming provided under the preschool
5 2 program.

5 3 Sec. 4. NEW SECTION. 256C.4 FUNDING PROVISIONS ==
5 4 ENROLLMENT.

5 5 1. GENERAL.

5 6 a. State funding provided under the preschool program
5 7 shall be based upon the enrollment of eligible students in the
5 8 preschool programming provided by a school district approved
5 9 to participate in the preschool program.

5 10 b. A school district approved to participate in the
5 11 preschool program may authorize expenditures for the
5 12 district's preschool programming from any of the revenue
5 13 sources available to the district from the sources listed in
5 14 chapter 298A, provided the expenditures are within the uses
5 15 permitted for the revenue source. However, the school
5 16 district shall not authorize an expenditure from such revenue
5 17 sources for purposes of programming that is not owned or
5 18 operated by the school district.

5 19 c. Funding provided under the preschool program is
5 20 intended to supplement, not supplant, existing resources for
5 21 preschool programming.

5 22 2. ELIGIBLE STUDENT ENROLLMENT.

5 23 a. To be included as an eligible student in the enrollment
5 24 count of the preschool programming provided by a school
5 25 district approved to participate in the preschool program, a
5 26 child must be four years of age by September 15 in the base
5 27 year and the preschool programming attended by the child must
5 28 be located within the boundaries of the school district.

5 29 b. The enrollment count of eligible students shall not
5 30 include a child who is included in the enrollment count
5 31 determined under section 257.6 or a child who is served by a
5 32 program already receiving state or federal funds for the
5 33 purpose of the provision of four-year-old preschool
5 34 programming. Such preschool programming includes but is not
5 35 limited to child development assistance programs provided
6 1 under chapter 256A, special education programs provided under
6 2 section 256B.9, school ready children grant programs and other
6 3 programs provided under chapter 28, and federal head start
6 4 programs and the services funded by Title I of the federal
6 5 Elementary and Secondary Education Act of 1965.

6 6 Sec. 5. NEW SECTION. 256C.5 FUNDING FORMULA.

6 7 1. DEFINITIONS. For the purposes of this section and
6 8 section 256C.4:

6 9 a. "Base year", "budget year", "foundation base", "regular
6 10 program district cost per pupil", "regular program state cost
6 11 per pupil", and "school district" mean the same as defined or
6 12 described in chapter 257.

6 13 b. "Eligible student" means a child who meets eligibility
6 14 requirements under section 256C.4.

6 15 c. "Preschool budget enrollment" means the figure that is
6 16 equal to sixty percent of the actual enrollment of eligible
6 17 students in the preschool programming provided by a school
6 18 district approved to participate in the preschool program on
6 19 October 1 of the base year, or the first Monday in October if
6 20 October 1 falls on a Saturday or Sunday.

6 21 d. "Preschool district cost for the budget year" means the
6 22 product of the regular program district cost per pupil for the
6 23 budget year multiplied by the school district's preschool
6 24 budget enrollment.

6 25 e. "Preschool foundation aid" means the regular program
6 26 foundation base per pupil determined for a budget year under
6 27 chapter 257 multiplied by the preschool budget enrollment.

6 28 2. PRESCHOOL FOUNDATION AID DISTRICT AMOUNT.

6 29 a. For the initial budget year for which a school district
6 30 approved to participate in the preschool program receives that
6 31 approval and implements the preschool program, the funding for
6 32 the preschool foundation aid payable to that school district
6 33 shall be paid from the appropriation made for that budget year
6 34 in section 256C.6. For that budget year, the preschool
6 35 foundation aid payable to the school district is the product
7 1 of the regular program district cost per pupil for the budget
7 2 year multiplied by sixty percent of the school district's
7 3 eligible student enrollment on the date in the budget year
7 4 determined by rule.

7 5 b. For budget years subsequent to the initial school year
7 6 for which a school district approved to participate in the

7 7 preschool program receives that approval and implements the
7 8 preschool program, the funding for the preschool foundation
7 9 aid payable to that school district shall be paid from the
7 10 appropriation made in section 257.16. For those budget years,
7 11 the preschool foundation aid payable to the school district is
7 12 equivalent to the preschool district cost for the budget year.

7 13 3. EXPENDITURES SEPARATE. Unless expressly authorized by
7 14 law, a school district's expenditures for a local program
7 15 shall not be included in the district cost per pupil or any
7 16 other expenditure used for the calculations made under chapter
7 17 257. This subsection is repealed July 1, 2014.

7 18 4. AID PAYMENTS. Preschool foundation aid shall be paid
7 19 as part of the state aid payments made to school districts in
7 20 accordance with section 257.16.

7 21 Sec. 6. NEW SECTION. 256C.6 PHASE-IN == APPROPRIATIONS.

7 22 1. PHASE-IN. For the fiscal year beginning July 1, 2007,
7 23 the department may temporarily modify requirements in other
7 24 provisions of this chapter relating to preschool program
7 25 implementation, preschool enrollment reporting, and
7 26 distribution of funding as necessary to begin the distribution
7 27 in that fiscal year and additional program implementation in
7 28 the next fiscal year. For each month after September 1, 2007,
7 29 that a school district approved to participate in the
7 30 preschool program begins programming, the department shall
7 31 reduce the preschool foundation aid payable to the school
7 32 district by one tenth of the amount that would otherwise have
7 33 been payable to the school district for the full school year.

7 34 2. APPROPRIATIONS FOR INITIAL YEARS. There is
7 35 appropriated from the general fund of the state to the
8 1 department of education for the designated fiscal years the
8 2 following amounts, or so much thereof as is necessary, to be
8 3 used for the initial year preschool foundation aid payments to
8 4 school districts approved to participate in the preschool
8 5 program and administrative costs:

8 6 a. For the fiscal year beginning July 1, 2007, and ending
8 7 June 30, 2008, fifteen million dollars.

8 8 b. For the fiscal year beginning July 1, 2008, and ending
8 9 June 30, 2009, fifteen million dollars.

8 10 c. For the fiscal year beginning July 1, 2009, and ending
8 11 June 30, 2010, fifteen million dollars.

8 12 d. For the fiscal year beginning July 1, 2010, and ending
8 13 June 30, 2011, sixteen million one hundred sixty-two thousand
8 14 five hundred dollars.

8 15 For the purposes of this subsection, the amount allocated
8 16 for each fiscal year for the department's administrative costs
8 17 shall be equal to two and one quarter percent of the amount
8 18 appropriated for the fiscal year.

8 19 3. INSUFFICIENT FUNDING. For the fiscal years in the
8 20 period beginning July 1, 2007, and ending June 30, 2011, if
8 21 the number of requests from school districts for initial
8 22 participation in the preschool program exceeds the funding
8 23 made available for the preschool program, the department shall
8 24 utilize all of the following selection criteria in selecting
8 25 the school districts that will be approved to participate in
8 26 the preschool program:

8 27 a. Priority shall be given to school districts that do not
8 28 have existing preschool programming within the school district
8 29 boundaries.

8 30 b. Priority shall be given to school districts that have a
8 31 high percentage of children in poverty.

8 32 c. Consideration shall be given to the size of school
8 33 districts in large, medium, and small categories in order for
8 34 there to be equitable statewide distribution of preschool
8 35 program services.

9 1 d. Consideration shall be given to school districts with
9 2 established, high-quality, community partnerships for the
9 3 delivery of preschool programming that are seeking to expand
9 4 access.

9 5 4. REPEALS.

9 6 a. Subsections 1 and 3 are repealed July 1, 2011.

9 7 b. This subsection is repealed July 1, 2011, following
9 8 implementation of paragraph "a".

9 9 5. STATE AID FUNDING FOR FY 2011=2012 AND FUTURE. For the
9 10 fiscal year beginning July 1, 2011, and succeeding fiscal
9 11 years, preschool foundation aid shall be funded from the
9 12 appropriation made in section 257.16.

9 13 DIVISION II

9 14 CONFORMING AMENDMENTS

9 15 Sec. 7. Section 256.11, subsection 1, Code 2007, is
9 16 amended by adding the following new unnumbered paragraph:

9 17 NEW UNNUMBERED PARAGRAPH. For the purposes of this

9 18 subsection, "prekindergarten program" includes but is not
9 19 limited to a school district's implementation of the preschool
9 20 program established pursuant to chapter 256C.
9 21 Sec. 8. Section 257.10, subsection 8, Code 2007, is
9 22 amended to read as follows:
9 23 8. COMBINED DISTRICT COST. Combined district cost is the
9 24 sum of the regular program district cost per pupil multiplied
9 25 by the weighted enrollment, the preschool district cost per
9 26 student under chapter 256C, and the special education support
9 27 services district cost, plus the additional district cost
9 28 allocated to the district to fund media services and
9 29 educational services provided through the area education
9 30 agency.

9 31 A school district may increase its combined district cost
9 32 for the budget year to the extent that an excess tax levy is
9 33 authorized by the school budget review committee.

9 34 Sec. 9. Section 257.16, subsection 1, Code 2007, is
9 35 amended to read as follows:

10 1 1. There is appropriated each year from the general fund
10 2 of the state an amount necessary to pay the foundation aid
10 3 under this chapter, the preschool foundation aid under chapter
10 4 256C, supplementary aid under section 257.4, subsection 2, and
10 5 adjusted additional property tax levy aid under section
10 6 257.15, subsection 4.

10 7 Sec. 10. Section 285.1, subsection 1, paragraph c, Code
10 8 2007, is amended to read as follows:

10 9 c. Children attending prekindergarten programs offered or
10 10 sponsored by the district or nonpublic school and approved by
10 11 the department of education or department of human services or
10 12 children participating in preschool in an approved local

10 13 program under chapter 256C may be provided transportation
10 14 services. However, transportation services provided nonpublic
10 15 school children are not eligible for reimbursement under this
10 16 chapter.

10 17 Sec. 11. Section 298.4, Code 2007, is amended by adding
10 18 the following new subsection:

10 19 NEW SUBSECTION. 6. To provide local funding for the
10 20 school district's implementation of the preschool program
10 21 established under chapter 256C.

10 22 Sec. 12. EMERGENCY RULES. The department of education may
10 23 adopt emergency rules under section 17A.4, subsection 2, and
10 24 section 17A.5, subsection 2, paragraph "b", to implement the
10 25 provisions of this Act and the rules shall be effective
10 26 immediately upon filing unless a later date is specified in
10 27 the rules. Any rules adopted in accordance with this section
10 28 shall also be published as a notice of intended action as
10 29 provided in section 17A.4.

10 30 EXPLANATION

10 31 This bill creates a preschool for four-year-old children
10 32 program. The bill is divided into divisions.

10 33 PRESCHOOL FOR FOUR-YEAR-OLD CHILDREN PROGRAM. This
10 34 division creates the program and makes appropriations in new
10 35 Code chapter 256C. The program is to be administered by the
11 1 department of education and the state board of education.

11 2 New Code section 256C.1 provides definitions.

11 3 New Code section 256C.2 lays out the purpose for the
11 4 program and authorizes the state board to adopt rules to
11 5 implement the program and the state funding for the program.

11 6 New Code section 256C.3 lists the program requirements
11 7 required to be adopted in rule. The requirements address
11 8 child eligibility, teacher requirements, program requirements,
11 9 school district requirements, and departmental requirements.

11 10 New Code section 256C.4 identifies general funding
11 11 provisions and specifies how eligible student enrollment for
11 12 the preschool program is determined.

11 13 New Code section 256C.5 establishes a funding formula for
11 14 the program, based on elements of the school foundation
11 15 formula under Code chapter 257. For the initial budget year
11 16 that a school district is approved to participate in the
11 17 preschool program, the school district receives funding based
11 18 on the preschool program enrollment for that budget year. For
11 19 subsequent budget years, the aid is based on the prior year's
11 20 preschool enrollment. A school district is authorized to use
11 21 various local taxation sources for local funding of the
11 22 preschool district cost that is not paid by preschool
11 23 foundation aid. The expenditures for the preschool program
11 24 cannot be included as part of the expenditures made for
11 25 purposes of the school aid formula under Code chapter 257.
11 26 Preschool foundation aid payments are required to be made as
11 27 part of the school aid payments under Code chapter 257.

11 28 New Code section 256C.6 provides for phase-in of the

11 29 program during fiscal year 2007=2008 and makes standing
11 30 limited appropriations for five fiscal years. For fiscal year
11 31 2007=2008, the department is authorized to modify other
11 32 requirements in new Code chapter 256C as necessary to
11 33 distribute funding in that fiscal year. The appropriations
11 34 made in this section are for payment of the initial year a
11 35 school district receives a preschool foundation aid payment
12 1 and for department of education administrative costs
12 2 associated with the preschool program. In subsequent years,
12 3 this preschool foundation aid payment becomes part of the
12 4 school foundation formula.

12 5 CONFORMING AMENDMENTS. This division provides conforming
12 6 amendments for the changes made by the bill.

12 7 The bill amends Code section 256.11, relating to
12 8 educational standards for schools adopted by the state board
12 9 of education, to provide that a prekindergarten also includes
12 10 a preschool program implemented in accordance with the bill.

12 11 Code section 257.10, relating to district cost per pupil
12 12 used in the school aid formula, is amended to include the
12 13 preschool district cost per student as part of the combined
12 14 district cost. Code section 257.16, relating to the standing
12 15 appropriation for school foundation aid, is amended to include
12 16 an appropriation for preschool foundation aid in the standing
12 17 appropriation.

12 18 Code section 285.1, relating to state aid to schools for
12 19 transportation, is amended to include the children
12 20 participating in preschool in an approved local program under
12 21 the preschool program in the state aid funding authorization.

12 22 Code section 298.4, relating to the expenditures allowed
12 23 under the district management levy, is amended to allow the
12 24 levy to be used for local funding of a local preschool program
12 25 under Code chapter 256C.

12 26 The department of education is authorized to utilize
12 27 emergency procedures to adopt rules to implement the
12 28 provisions of the bill without public comment periods or
12 29 review by the administrative rules review committee.

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